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ARNOLD & PORTER LLP



Thomas E. Holsten
Thomas.Holsten@aporter.com
202.942.5085
202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

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Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Conf. No. 3989
Art Unit: 1634
Examiner: D.B. Johannsen

Re: U.S. Patent Application Serial No. 10/630,573 filed July 30, 2003

Inventors: James CUCUZZA *et al.*

Title: Primers and Primer Sets for Use in Methods to Detect
the Presence of Acidovorax avenae subsp. citrulli

Atty. Docket: 20612.072/P30641US01 (D-0411-US)

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Response to Restriction Requirement; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees under 37 C.F.R. § 1.16 or § 1.17 are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387, referencing docket number P30641US01. A duplicate copy of this letter is enclosed.

Sincerely,

Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

James CUCUZZA *et al.*

Appln. No.: 10/630,573

Filed: July 30, 2003

Confirmation No.: 3989

Art Unit: 1634

Examiner: Diana B. Johannsen

Atty. Docket: 20612.072/P30641US01

For: Primers and Primer Sets for use in Methods to Detect the Presence of Acidovorax avenae subsp. citrulli

Response to Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 27, 2006, Applicants submit the following amendments and remarks.

REMARKS

The application presently contains claims 1-4. In the Office Action dated March 27, 2006, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 1 and 4, drawn to a primer set and kit comprising a primer set, classified in at least, for example, class 536, subclass 24.33.

Group II: Claims 2 and 3, drawn to methods comprising steps of DNA amplification, classified in at least, for example, class 435, subclasses 6 and 91.2.

Applicants respectfully traverse the restriction requirement and provisionally elect the subject matter of group I, presented in claims 1 and 4, drawn to a primer set and kit comprising a primer set for further prosecution. However, Applicants submit that the Patent Office has not proven that the search and examination of the entire application would impose an undue burden.